



12-07 01

Docket 17006CON1

GP11646 #1-5
12-12-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: AOKI et al.) O. Chernyshev.
Serial Number: 09/812,113) Art Unit 1646
Filed: March 15, 2001)
For: METHODS FOR TREATING NEUROMUSCULAR)
DISORDERS WITH BOTULINUM TOXIN)
TYPES A AND B) Irvine, California

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RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:


This is a response to the October 29, 2001 office action in this application. The office action states that claims 1-10 are ending and asks applicants to elect a single disclosed species for prosecution.

Please note that due to the Preliminary Amendment filed with the application on March 15, 2001, claims 1,4 and 11-19 are pending in this application and that all claims are limited to use of botulinum toxin type A followed by use of botulinum toxin type B. Thus, applicants have already limited the claims to use of particular botulinum toxin serotypes. Hence, the restriction requirement in the office action appears to be moot and should be withdrawn.

A copy of the Preliminary Amendment filed on March 15, 2001 is enclosed.

The Commissioner is authorized to charge any required or necessary fee associated with the filing of this paper and any of the attached documents, and to credit any overpayment to, deposit account number 01-0885.

Date: November 12, 2001

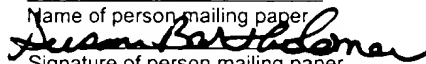

Stephen Donovan
Registration Number 33,433

Please direct all correspondence and inquiries to:
Stephen Donovan
Allergan, Inc. T2-7H
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714 246 4026 Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date November 12, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EL897832519US addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Date: November 12, 2001

Susan Bartholomew
Name of person mailing paper

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Patent Docket 17006CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: AOKI et al.)
Serial Number: Pending)
Filed: Herein)
For: METHODS FOR TREATING NEUROMUSCULAR)
DISORDERS WITH BOTULINUM TOXIN)
TYPES A AND B) Irvine, California

TRANSMITTAL LETTER

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Transmittal herein for filing under 35 U.S.C. §120 and 37 C.F.R. 1.53(b) is a continuation patent application for the invention entitled: METHODS FOR TREATING NEUROMUSCULAR DISORDERS WITH BOTULINUM TOXINS TYPES A AND B by K. Roger Aoki et al.

This application is a continuation of pending application serial number 08/075,048, filed June 10, 1993. Applicants hereby claim the benefit under 35 U.S.C. section 120 from pending application serial number 08/075,048, filed June 10, 1993. The pending parent application serial number 08/075,048 is not abandoned by this filing.

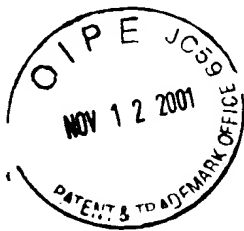
Please find enclosed: (1) this two-page Transmittal Letter; (2) a copy of the 18 page parent patent application serial number 08/075,048; (3) a copy of the original, executed declaration from the inventors in parent application serial number 08/075,048; (4) a copy of the assignment of the parent patent application serial number 08/075,048 to Allergan, Inc.; (5) a 13 page Preliminary Amendment, (6) an Information Disclosure Statement with a 2 page Form PTO-149 disclosing 26 art items, and; (7) a return postcard.

The filing fee is calculated as \$980.00 and should be charged to our deposit account number 01-0885.

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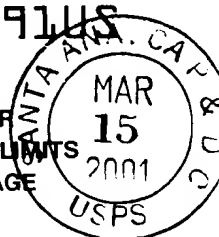


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Date: March 15, 2001

Serial No.:

Title: Methods for Treating Neuromuscular Disorders with Botulinum
Dkt. No.: 17006 CEX Toxin Types A and B

Enclosed Are:

- Specification # _____, Claims # _____
- and Abstract # _____
- Drawings (____ sheets)
- Formal _____ Informal _____
- ✓ Info. Disc. Statement
- Priority Documents # _____
- ✓ PTO 1449 W/References: _____
- PCT Request (# pgs. _____)
- PCT Demand (# pgs. _____)
- PCT Response (# pgs. _____)
- PCT Amendment (# pgs. _____)



- Declaration, Power of Attorney
- Assignment & Cover Sheet
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